Remarks

By the foregoing Amendment, claims 22, 42-44, 48, and 68 are amended, and claims 56-57 are cancelled. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

The Examiner has rejected claims 56-57 under § 112, 2nd paragraph. Accordingly, these claims have been cancelled.

The Examiner has rejected independent claims 1 and 68 under 35 U.S.C. §102(b) as anticipated by Bosch, DE 35 29 743. These claims have been amended. Support for these amendments is found in paragraphs 0021 and 0027 of the specification. Applicant respectfully requests reconsideration of the aforementioned rejection in light of these amendments and the below remarks.

Novelty

The Bosch reference does not anticipate claims 22 or 68, as amended, because all of the elements in each of these claims are not shown in this reference. Specifically, Bosch does not disclose a system for regulating the supply of power to a brake system that employs a controller that has "at least one input for receiving signals containing information about the brake system," and determines the rate at which to drive the brake power source based at least in part on this information about the brake system. Though, as the Examiner has noted, Bosch does disclose a couple of sensors connected to the electronic control unit 53, these sensors relate to engine speed (10A)

and motor speed (112). Bosch does not make any disclosure of determining the rate at which the intermediary devices will drive a brake power source based on information received about the status of the brake system.

Obviousness

Moreover, independent claims 22 and 68, as amended, are not obvious over the Bosch reference, as there is no suggestion or motivation for one skilled in the art to make the necessary modification to arrive at the claimed invention. As noted above, claims 22 or 68, as amended, require a controller that has "at least one input for receiving signals containing information about the brake system," and determines the rate at which to drive the brake power source based at least in part on this information about the brake system. This aspect of the invention is significant because, as explained throughout the specification (see, e.g., Paragraphs 0020, 0026), an important function of the claimed invention is that it is able to control the power supplied to the brake power source, based on the current needs of the brake system, regardless of what the current engine speed is.

Applicant respectfully notes that, although the Examiner has noted that Bruehmann et al., U.S. Patent No. 6,089,831 discloses using air pressure and temperature for controlling compressor operation, there is no suggestion for one skilled in the art to combine teachings related to such generalized control relying on pressure and temperature with the particular, intermediary pump/motor system of Bosch.

In order for the claimed invention to be obvious over the prior art, there must be some suggestion or motivation in the reference to make the combination. *See, e.g.,* MPEP 2143.01 ("The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."); *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990). Bruehmann does not suggest the desirability of using any type of intermediary mechanism for supplying power to the brake power source (e.g., compressor) independently of the engine speed. To the contrary, Bruehmann actually teaches coupling the compressor (11) directly to the engine (13) via a coupling (12).

In fact, Bruehmann even teaches against modifying its design to employ such an intermediary arrangement in order to isolate the power supply to the compressor from the engine (so as to regulate the power to the compressor independently of the engine speed), as it specifically teaches to instead deal with differences between the power supplied by the engine and the desired amount of air compression by regularly compressing air at full speed, and either diverting the unneeded air to a relief point or switching off or uncoupling the coupling. See Col. 3, Ins. 20-30.

Finally, even if these references were combined, one would still not arrive at the present invention, as this combination of references still would not disclose a controller that determines the rate at which the intermediate device/supply device drives the brake power source/supplies the agency based at least in part on this information about the brake system. Rather, the controller electronics 57 of Bruehmann control the engine

(13) itself. Therefore, combining these teachings would, at most, result in a system employing the intermediate pump/motor arrangement of Bosch, with an electronic control unit that, based upon information received about the brake system, would control the speed of the engine itself (not an intermediary mechanism).

For all these reasons, Applicant respectfully submits that the present invention is not taught or suggested by the cited references, either alone or in combination.

Applicant submits that, in light of the amendment herein, generic claim 22 is allowable, and thus, withdrawn claims 23, 46, and 61-67 are also allowable. Accordingly, amendments to withdrawn claim 46 has been made in the event of such allowance.

It is respectfully submitted that claims 22-25, 42-55 and 58-68, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

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